

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
DECEMBER 15, 2015

Members present: Michael Wilday, Thomas Kelly, Mayor Henry, Richard Moran, Robert Paulukiewicz, Darcy McCabe-Brew, Holly Hughes, Mary Szaro

Members absent: Councilwoman Noble, Francis Mulvey, Frank Milatta

Also present: Angelo Valetutto, P.P., Jason Valetutto, P.P., Andrew Brewer, Esq.

Meeting was called to order followed by the salute to the Flag.

Chairman Wilday stated adequate notice of this meeting has been provided under "The Open Public Meeting Act" by advertisement.

Roll call was taken at this time.

Motion by Richard Moran, seconded by Holly Hughes to accept the Minutes of the November 18, 2015 meeting. Motion carried 5-0, 3 abstention.

Completeness Committee

Completeness Committee member Richard Moran stated that he was in receipt of two letters from AJV Engineering dated December 9, 2015. The first was for Application # 363-15 for Cambridge Pavers, Inc. The second was for Application #364-15 for Best Day Management, LLC.

Angelo Valetutto then expanded on the Best Day Management application saying that this is the first case in which the recommendation is that the application would be appropriate to be deemed incomplete and returned. The reason being that the use that applicant proposes is in a redevelopment zone and their use is not a permitted use. Essentially what they wanted to do is to store and display RVs to support their business office within the Memorial Medical Center Redevelopment Area. Mr. Valetutto noted his report of incompleteness which states that building was set up for medical purposes and there is an allowance for some businesses to have their offices there. But Best Day Management now is looking to expand and the only way that matter can come before the Planning Board would be they would have to petition SARA to ask us to evaluate whether or not that is a use that we would consider as an amendment to that redevelopment zone. Mr. Valetutto suggested that the application be deemed incomplete with his letter indicating why the Board cannot hear the case or don't have jurisdiction.

Board attorney, Andrew Brewer, asked for confirmation that this is in a redevelopment area. Mr. Valetutto confirmed. Mr. Brewer said that it was a complete application but it is one that is bound to be denied because the Planning Board does not have the ability to grant their request.

Mr. Brewer explained that there is enough case law that says that completeness is basically a form. You fill it out; submit the information that is part of it. End of story. Whether or not it is a good application or anything else is different. It should be deemed complete but they get denied.

Before proceeding with Best Day Management, Chairman Wilday asked for a motion on Completeness for Cambridge Pavers.

Motion by Richard Moran, seconded by Robert Paulukiewicz to deem Application # 363-15 complete. Motion carried 2-0.

Angelo Valetutto noted that the next Planning Board meeting and Reorganization meeting is Wednesday, January 27, 2016.

Chairman Wilday then asked for a motion regarding Best Day Management, Application # 364-15.

Andrew Brewer clarified that they would be deemed complete so that the applicant can move forward but they are bound to be denied because they submitted an application that the Planning Board does not have jurisdiction to approve. Mayor Henry noted that a letter would be sent accordingly to the applicant.

Based on the attorney's comments, a motion was made by Richard Moran, seconded by Robert Paulukiewicz to deem Application # 364-15 complete. Motion carried 2-0.

Southeast Sayreville Development Corporation – Application # 349-14

Chairman Wilday noted that this application has been withdrawn with prejudice.

South Amboy Redevelopment Agency Resolution Referring Woodmont Proposed Redevelopment Plan To Planning Board

Angelo Valetutto said that his office issued a letter at the request of SARA looking at a review by an architect that the use of Woodmont is permitted in our redevelopment zone. Mr. Valetutto said he finds that he concurs with the argument prepared by the architect. SARA then adopted a resolution indicating that they agree with Mr. Valetutto's recommendation and the next step is to bring it to the Planning Board's attention tonight because if everyone is in agreement then we can advise Woodmont that they can make whatever revisions they wish to

their plans and then return to the Board as an amended approval because they already have an approval for what they have.

It was determined by the Board that Woodmont could come back before them as an amended use for their site plan and that correspondence would be sent informing them that they are in position now to apply as an amended approval.

Venetian Healthcare Modification of Site Plan

John Wisniewski stepped forward at this time representing Windsor Healthcare for the Venetian project that is completed up, running and granted approval. He said they were at the meeting tonight at the request made through Mr. Valetutto. The question the Board was looking for answers to dealt with the trash compactor.

He stated for the record that the Board does not have jurisdiction of this matter having issued its final approval. The case law is quite clear that upon issuing final approval the Board no longer has jurisdiction but they are happy to be here nonetheless to help answer questions and enlighten Board members on what is going on down at the site.

Andrew Brewer the question is that if something were to be done whether it would be a substantial or insubstantial change.

Mr. Valetutto said that essentially where the generator was constructed was where the compactor was proposed and approved by this Board and the generator was constructed and they relocated the compactor in the area where the generator was to be constructed.

Mr. Brewer said the question was regarding the site plan as specifically presented to the Board and whether there was a substantial change. If it was not an insubstantial change, it would require an amendment to the site plan and necessarily be back before the Board. And so, in making that decision, the Board has asked for further information about the entire site since it's something that may impact the overall site plan.

Mr. Valetutto said that since the facility has been up and running there's been an observance by City employees, in fact, Mr. Kelly that the amount of trash being generated can be accommodated by the compactor as designed and how often it will need to be picked up/removed, etc. Mr. Valetutto then recognized the presence of Mr. Keenan as an expert for the project who was accepted as an engineer and planner.

Thomas Kelly said that there were a couple of questions that the Board would like answered. There appears to be somewhere about 60 – 80 yards of garbage fairly consistently so the questions that arise are the size of the compactor, can it handle the volume, is there a proposed staging area where the garbage will be placed until it is put in the compactor, how

often will the compactor run, what's the decibel level of the compactor, what is the containment of the compactor to control any spillage that may seep from the compactor, maintenance of the area, etc.

Mr. Wisniewski said that the location of the trash compactor is exactly in the location that it was proposed in the plan that was approved by the Planning Board. He had inadvertently in his conversations with Mr. Valetutto started the discussion about the trash compactor having to be moved because of the generator. The generator was moved from closer to the fence to closer to the building but the trash compactor is exactly in the place where it was proposed upon final approval.

Mr. Keenan then showed the Board exactly where the compactor is located on the plans and where they will put it in. Since that date detailed plans were sent to the Board Engineer of the trash compactor, the containment facility, the drain leading from the facility which is a totally enclosed, bifurcated device – one half of the compactor accepts household trash and one half accepts recyclables. It is one device with openings for recyclables and household items.

Mr. Garcia who does the maintenance facility also was present who said that the 20 yard dumpsters are removed about three times per week. The compactor will eliminate the need for multiple removals because it will be taking the trash and compacting it so it will be one removal of one item per week.

Chairman Wilday asked for confirmation of whether the compactor is in place yet. Mr. Wisniewski said that it is not even in place yet. They wanted to wait so they didn't do anything prior to making the board aware and making sure everything is okay. He further stated that the Venetian clearly wants to do away with the open dumpsters which is why they wanted the compactor in the first place.

Mr. Keenan presented a copy of the approved plan last revised December 15, 2011 that shows a trash compactor in the corner of the loading dock area. North of that toward the property line is the location of the generator. What is proposed and partially constructed now is the generator in the corner of the loading area (10X30 foot area designated for the dumpsters.) Screening has been included around the compactor and the generator has been relocated closer to the building further from the property line. Mr. Valetutto noted that this is where the generator was constructed as opposed to where it was approved. The areas where they would like to locate the compactor to currently is a paved loading dock area.

It's a fully enclosed compactor. It is a completely sealed container with two bins, one on each side, that are loaded from the back side. They have a two yard area on either side to locate trash on one side and recyclables on the other. Then you press a button and it compresses it on to the storage area.

Chairman Wilday asked what the compression ratio is and can it handle the current capacity. Mr. Keenan said that based on how often they are pulling their two twenty yard dumpsters, they expect with the compression they will be getting out of this compactor, they will have a once per week pick up. When they pick up the compactor, they take it off site, they dump it and return the same compactor to the same location. This usually is done during business hours, 9a – 5p. It is fully enclosed and every time they move it, they check to make sure there is no leaks and other related concerns. It is tied into the sewer system if there were a leak.

Mr. Garcia said that the ratio of recyclables to other trash is about 60:40.

Darcy McCabe Brew asked what the noise factor is with this compactor when it is compactor. Mr. Garcia said that it is about 85-87 decibels. So it's just the hydraulics is the only noise. This is equivalent to three people in a normal conversation. He expected it would have to be run about three times per day but this would become clearer over the first few weeks of using the compactor. If the building generates more garbage than expected and additional pickups are required, they will increase to more than once per week if needed.

Mr. Garcia said that it would be run first thing in the morning (between 9 an 11:30am) when housekeeping empties all of the garbage, then around Noon after lunch and then around 6-7 pm.

Mayor Henry asked for confirmation that this would not be run at night or in the middle of the night. Mr. Garcia said the compacting process takes about 35 seconds from the time you press the button.

Mr. Kelly asked what the capacity of the compactor is prior to compaction. Mr. Garcia said that the unit itself holds about 30 cubic yards compressed. The area for uncompressed garbage is probably about 4 yards.

Mr. Keenan clarified that the entire unit gets disconnected electrically and the entire unit is taken away when the compactor is taken away to be emptied.

Mr. Keenan said that they can provide literature on the compactor if the Board would like it.

Mr. Valetutto then addressed the issue of lighting at the Venetian.

Mr. Wisniewski said that the Venetian modified its lights because of a municipal request to use certain pictures. They put them in, they conformed they've tried to lower the output but now they're in an awkward situation where you start to lower the output of the lights so much so you create dark areas in the parking lot which creates liability issues and deviating from an approved plan.

Mayor Henry said that as far as the lights are concerned, the City has been getting complaints about how bright they are and there are a couple more approved houses right in that same area. The City also has a development that is going to be going in right across the street. His concern is that in the future the City is going to get more complaints. He drove down there and was surprised at how bright those lights really are. He said that he can understand how some of the people in the surrounding area are complaining because usually you don't have a facility like that right next to a lot of homes.

Mr. Wisniewski said that they didn't choose the brightness. They complied with what the standard called for. The unfortunate situation they are in now is that in hindsight, the style of light and the way it is constructed is one of the things that leads to the complaints. It becomes very difficult to dampen the output from that style of light without creating dark areas. In retrospect, it probably would've been a good idea to choose a different light but we made an accommodation to a request that was made at the time to use this style because it was consistent with other things the city was doing and this was what the city had wanted.

Mr. Wisniewski said that they have already put a shielding on the lights. They have manufactured special shielding for the lights to dampen them even further but that created dark areas. If someone were to get injured because of the lighting they would sue the Venetian. They want to be as accommodating as is practical but the design of the light itself creates the brightness being discussed.

The only practical way is to redo all of the lights and that becomes a very expensive undertaking and an unfair ask for something that was done at everybody's good faith efforts. Mr. Wisniewski said that, in retrospect, we're trying to make them dimmer but there is a limit to how dim they can be made.

Mr. Keenan said that they went back to the manufacturer and looked at installing a full shield on one side. The fixture itself is the "South Amboy standard." It's not a cheap fixture. It has the South Amboy logo on it. It's a very decorative fixture the he understands the City has used elsewhere. When they were initially coming forward with the application, it was requested that it be used throughout the whole project so that's what they did.

The problem it's created is that there is a lightbulb right in the middle of the fixture. When it's sitting up on that pole, it is projecting all its light outward and it's not really projecting it downward. Mr. Keenan said that if they went with a standard shoebox type fixture that's where it has a lot more downward projection. This is a more decorative, nicer, aesthetically pleasing fixture in and of itself but it is extending it out.

He elaborated that when this came up they went out and did light meter readings around the property line, on the adjacent streets to really see lighting level with the lights off and another

reading with the lights on. What they found was that there was no difference on adjacent properties and not far from the lighting fixtures were you seeing a difference in the lighting levels. Not to say that people aren't seeing the light. They're seeing that filament and that light projecting out like that from this type of fixture. That's the problem with this style of fixture.

Mr. Keenan said that elsewhere there are other styles of fixture that project downward that are not quite as decorative and don't have the South Amboy logo.

Chairman Wilday asked if the wattage could be reduced and Mr. Keenan said that if they dropped the wattage any more they would lose the effectiveness of the light. The lighting levels are all at recommended levels in that parking lot.

Mr. Valetutto noted that these are lights that have been used successfully throughout the City. He said that he is of the, perhaps mistaken, impression that the issue is the fact that the residences are at a much higher elevation and that they are looking downward as opposed where they are all on the same plane. He believed the problem to be the elevation of the adjoining properties.

Chairman Wilday said that is a detail the Board would need to consider as it evaluates future site plans.

Mr. Kelly asked what happened to the second potential shield that was looked at by the manufacturer. Mr. Wisniewski said that his understanding was that shield would take the light below recommended levels and create dark areas in the parking lot.

Mr. Keenan asked the Board to understand that they did spend a lot of time talking to the manufacturer going over different options to see how they could solve the problem. Chairman Wilday expressed appreciation for their efforts.

Mr. Valetutto said that his understanding that the alternative of either going on a timer or motion detector is not acceptable solution for the Venetian. Mr. Wisniewski said that might be feasible for a business that doesn't have a 24-hour presence but the Venetian has employees that are coming and going so that won't work from a liability standpoint. Mr. Valetutto noted that a motion detector going on and off that much could be worse.

Chairman Wilday suggested another set of smaller night lights that are conforming for the evening hours. The group acknowledged that this would be an additional significant expense.

Holly Hughes noted that these really are park lights and that's what they're meant to do. Going forward maybe the City should work to redesign one that fits different needs with a similar standard.

Mr. Keenan said that on the Parcel A project that he is involved with, this was the same fixture that was included in that plan but they are constructing with a different fixture that looks similar but it's an LED fixture mounted in the lid. This took into account the issues experienced at the Venetian property.

Chairman Wilday asked that the trash compactor schedule be communicated with Mr. Kelly once it has been settled. Mr. Wisniewski agreed that this would happen after about a month of use.

Mr. Valetutto underscored that the report issued by his office reflected an opinion that the generator was a non-substantial change. The Board was satisfied and said that the Venetian can proceed as shown on the drawings.

Chairman Wilday opened the meeting to the public. With no public wishing to speak, Chairman Wilday asked for a motion to close to the public.

Motion by Mayor Henry, seconded by Holly Hughes to close the public portion of the meeting. Motion carried 8-0.

Motion by Richard Moran, seconded by Holly Hughes to adjourn. All in favor.

Stacey Kennedy